

REMARKS

This Amendment is in response to the Office Action mailed January 14, 2004. In the Office Action, the Examiner issued an Election/Restriction requirements.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 7-8 in a divisional application

Election/Restriction

1. The Examiner has rejoined Groups I, claims 1-7 and 20-25, and II, claims 8-13.
2. The Examiner has made the determination that Group III, claims 14-19, is a separate invention final. Applicant has cancelled claims 14-19. In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 14-19 in a divisional application.

Drawings

4. The Examiner objects to the drawings because of noted informalities:

In Figure 4, the lower occurrence of numeral 41 is inaccurate and should be changed to --42--. The drawing has been amended as requested.

In Figure 7, the Examiner finds that a line is missing from box 76, and it seems that a horizontal line should be provided to connect box 76 to the vertical line at the right side of the figure. The missing line of the box 76 appears to be an artifact of the preparation of the drawing sheet from the electronically filed figure. The box is complete in the amended drawing sheet

filed herewith. A horizontal line has been added to connect box 76 to the vertical line at the right side of the figure.

Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

Specification

5. The Examiner objects to the specification because of noted informalities:

The Examiner finds paragraphs [0008]-[0015] to be redundant with respect to paragraphs [0023]. Paragraphs [0008]-[0015] have been deleted.

In paragraph [0028], the Examiner finds that numeral 30 is used to represent both the drive system and the pneumatic or hydraulic actuator. The pneumatic or hydraulic actuator are exemplary forms of the drive system. Paragraph [0028] has been amended to make this clear.

In paragraph [0029], the Examiner finds that "32, 33" in line 3 appears to be inaccurate and suggests that it should be --32, 34 and 33, 35-- or the like. Similarly, "sensor 32" in line 8 appears to be inaccurate and suggests that it should be --sensor 32, 34-- or the like. Similarly, "sensor 33" in line 9 appears to be inaccurate and suggests that it should be --sensor 33, 35-- or the like. Applicant has amended paragraph [0029] to make clear that elements 32 and 33 are sensors that sense signals from light sources 34 and 35 and that other types of sensors may be used.

In paragraph [0030], the Examiner finds that "28" in lines 3 and 7 appears to be inaccurate and suggests that it should be --36-- or the like. The paragraph has been amended as

suggested. In lines 11-12, the Examiner finds the use of "continuously" twice to be confusing and redundant. The first instance of continuously has been deleted.

In paragraph [0033], lines 2 and 4, the Examiner finds that "sensor 37" is inaccurate and suggests that it should be --sensor 37, 43-- or the like. In line 4, the Examiner suggests that --37-- should be inserted after "photo-detector" or the like. Applicant respectfully submits that the sensor is properly identified as 37 and that the exemplary light source 43 that is sensed is not, strictly speaking, part of the sensor. Applicant respectfully submits that inserting --37-- after "photo-detector" would create the same lack of clarity that the Examiner identified in paragraph [0028] between the drive system and the exemplary pneumatic or hydraulic actuator.

In paragraph [0042], applicant has amended "adjusting circuit 53" to be --adjusting circuit 52-- as shown in Fig. 6.

Applicant respectfully requests that the Examiner withdraw the objection to the specification.

Claim Objections

6. The Examiner asks that the claims be provided in a double spaced format and this has been done in this Response. Applicant respectfully requests that the Examiner withdraw the objection to the claims.

Rejection Under 35 U.S.C. § 112, first paragraph

7. The Examiner rejects claims 1-13 and 20-25 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable

one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Examiner finds it unclear how the invention operates. First, the Examiner asks how a synchronization signal can be generated without performing a cutting cycle. As described in paragraph [0039], the synchronization signal may be provided by some part of the web transport system. No cutting is required to produce a synchronization signal. The actuating circuit provides an actuating signal to begin the cycle of knife movement that will sever the web. The actuating signal may occur after a variable delay time following the synchronization signal. In another embodiment described in paragraph [0043], the synchronization signal provides an indication of the web position rather than indicating that the web is at a predetermined position. In this embodiment the controller adjusts a target position in the web cycle and delivers the actuating signal when the synchronization signal indicates that the web is at the target position. In either embodiment it is inaccurate to say that the actuation of the cutting knife occurs at a known point in the cutting cycle. The actuation of the cutting knife occurs when the controller delivers the actuating signal and that can occur at a variable point within the cutting cycle.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-13 and 20-25 under 35 U.S.C. § 112, first paragraph.

8. The Examiner rejects claims 21 and 23-25 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 21, the Examiner asserts that the specification and the drawings do not appear to provide support for the cutter as recited in claim 20 further comprising means for providing a delay time between the receiving of the synchronization signal and the providing of the actuating signal. The Examiner appears to use the first part of the recited function to identify the means. Applicant respectfully submits that the claim is directed to "means" for performing the recited function. The means "for adjusting subsequent actuating signals" recited in claim 20 may or may not be the same means "for providing a delay time" recited in claim 21. In all cases the recited "means" should be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. The adjusting circuit described in paragraph [0042] would be an embodiment of a structure covered by both recited means in question.

Regarding the Examiner's rejections of claims 23 and 25, the rejections are traversed on the basis on the rejection of claim 21.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 21 and 23-25 under 35 U.S.C. § 112, first paragraph.

Rejection Under 35 U.S.C. § 112, second paragraph

9. The Examiner rejects claims 6, 7, 21, and 23-25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the Examiner finds that structural cooperation is not positively provided for the clamp. The claim has been amended in a manner similar to that suggested by the Examiner to make clear that the clamp is structurally adjacent the cutting knife.

In claim 7, the Examiner finds that the recitation "when the clamp holds the web" is vague and appears to be inaccurate. The claim has been amended as suggested by the Examiner to make clear that the cutting knife is moved toward the web when the clamp is moved toward the web.

In claim 21, lines 1-2, the Examiner finds that the recitation "means for providing a delay time..." is vague and indefinite as to what disclosed structure it refers. Further, the Examiner finds that the recitation "wherein the means for adjusting subsequent actuating signals is further for adjusting the delay time" is vague and indefinite as to what is being set forth. Applicant respectfully directs the Examiner's attention to paragraph [0040] and the description of the adjusting circuit 52 which may wait for a delay time after receiving the synchronization signal before signaling the actuating circuit. Note further the description of the adjusting circuit increasing or decreasing the delay time in response to the timing of the position signal.

In claim 23, lines 1-2, the Examiner finds that the recitation "means for comparing the synchronization signal and a target value" is vague and indefinite as to what disclosed structure it refers. Applicant respectfully directs the Examiner's attention to paragraph [0042] and the description of the adjusting circuit that may compare the synchronization signal to a target value.

In claim 24, lines 1-2, the Examiner finds that the recitation "means for comparing the synchronization signal to a goal value" is vague and indefinite as to what disclosed structure it

refers. Applicant respectfully directs the Examiner's attention to paragraph [0042] and the description of the adjusting circuit that may compare the synchronization signal to a goal value when the position signal is received.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 6, 7, 21, and 23-25 under 35 U.S.C. § 112, second paragraph.

Conclusion

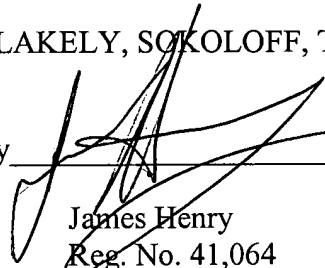
Applicant respectfully requests examination on the merits in this case.

Respectfully submitted,

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Dated: April 14, 2004

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Attachments